

ASSEMBLY BILL

No. 1154

Introduced by Assembly Member Gray

February 27, 2015

An act to amend Section 6254 of the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1154, as introduced, Gray. The California Public Records Act: applications for licenses and licenses to carry firearms.

Existing law, the California Public Records Act, provides that public records are open to inspection at all times during the office hours of the state or local agency that retains those records, and every person has a right to inspect any public record, except as provided. However, existing law provides that nothing in the act shall be construed to require disclosure of information contained in an application for a license to carry a firearm that indicates when or where the applicant is vulnerable to attack or that concerns the applicant's medical or psychological history or that of members of his or her family. Existing law also provides that the provisions shall not be construed to require disclosure of the home address and telephone number of prosecutors, public defenders, peace officers, judges, court commissioners, and magistrates that are set forth in applications for licenses or in licenses to carry firearms, as specified.

This bill would instead provide that the California Public Records Act shall not be construed to require the disclosure of the home addresses and telephone numbers of applicants that are set forth in applications to carry firearms or of licensees that are set forth in licenses to carry firearms, as specified. This bill would also prohibit this

provision from being construed as prohibiting the disclosure of public records relating to the reason an application for a license to carry a firearm was granted or denied, as specified. Because this bill would increase the duties of county sheriffs and the chiefs or other heads of police departments that issue firearms license applications, this bill would impose a state-mandated local program.

This bill would also make technical, nonsubstantive changes to these provisions.

Existing constitutional provisions require that a statute that limits the right of access to public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6254 of the Government Code is amended
- 2 to read:
- 3 6254. Except as provided in Sections 6254.7 and 6254.13,
- 4 *nothing in this chapter does not require the disclosure of shall be*
- 5 *construed to require the disclosure of records that are any of the*
- 6 ~~following records~~ *following:*
- 7 (a) Preliminary drafts, notes, or interagency or intra-agency
- 8 memoranda that are not retained by the public agency in the
- 9 ordinary course of business, if the public interest in withholding
- 10 those records clearly outweighs the public interest in disclosure.

1 (b) Records pertaining to pending litigation to which the public
2 agency is a party, or to claims made pursuant to Division 3.6
3 (commencing with Section 810), until the pending litigation or
4 claim has been finally adjudicated or otherwise settled.

5 (c) Personnel, medical, or similar files, the disclosure of which
6 would constitute an unwarranted invasion of personal privacy.

7 (d) Contained in or related to any of the following:

8 (1) Applications filed with any state agency responsible for the
9 regulation or supervision of the issuance of securities or of financial
10 institutions, including, but not limited to, banks, savings and loan
11 associations, industrial loan companies, credit unions, and
12 insurance companies.

13 (2) Examination, operating, or condition reports prepared by,
14 on behalf of, or for the use of, any state agency referred to in
15 paragraph (1).

16 (3) Preliminary drafts, notes, or interagency or intra-agency
17 communications prepared by, on behalf of, or for the use of, any
18 state agency referred to in paragraph (1).

19 (4) Information received in confidence by any state agency
20 referred to in paragraph (1).

21 (e) Geological and geophysical data, plant production data, and
22 similar information relating to utility systems development, or
23 market or crop reports, that are obtained in confidence from any
24 person.

25 (f) Records of complaints to, or investigations conducted by,
26 or records of intelligence information or security procedures of,
27 the office of the Attorney General and the Department of Justice,
28 the Office of Emergency Services and any state or local police
29 agency, or any investigatory or security files compiled by any other
30 state or local police agency, or any investigatory or security files
31 compiled by any other state or local agency for correctional, law
32 enforcement, or licensing purposes. However, state and local law
33 enforcement agencies shall disclose the names and addresses of
34 persons involved in, or witnesses other than confidential informants
35 to, the incident, the description of any property involved, the date,
36 time, and location of the incident, all diagrams, statements of the
37 parties involved in the incident, the statements of all witnesses,
38 other than confidential informants, to the victims of an incident,
39 or an authorized representative thereof, an insurance carrier against
40 which a claim has been or might be made, and any person suffering

1 bodily injury or property damage or loss, as the result of the
2 incident caused by arson, burglary, fire, explosion, larceny,
3 robbery, carjacking, vandalism, vehicle theft, or a crime as defined
4 by subdivision (b) of Section 13951, unless the disclosure would
5 endanger the safety of a witness or other person involved in the
6 investigation, or unless disclosure would endanger the successful
7 completion of the investigation or a related investigation. However,
8 nothing in this division shall require the disclosure of that portion
9 of those investigative files that reflects the analysis or conclusions
10 of the investigating officer.

11 Customer lists provided to a state or local police agency by an
12 alarm or security company at the request of the agency shall be
13 construed to be records subject to this subdivision.

14 Notwithstanding any other provision of this subdivision, state
15 and local law enforcement agencies shall make public the following
16 information, except to the extent that disclosure of a particular
17 item of information would endanger the safety of a person involved
18 in an investigation or would endanger the successful completion
19 of the investigation or a related investigation:

20 (1) The full name and occupation of every individual arrested
21 by the agency, the individual's physical description including date
22 of birth, color of eyes and hair, sex, ~~height and~~ *height*, weight, the
23 time and date of arrest, the time and date of booking, the location
24 of the arrest, the factual circumstances surrounding the arrest, the
25 amount of bail set, the time and manner of release or the location
26 where the individual is currently being held, and all charges the
27 individual is being held upon, including any outstanding warrants
28 from other jurisdictions and parole or probation holds.

29 (2) Subject to the restrictions imposed by Section 841.5 of the
30 Penal Code, the time, substance, and location of all complaints or
31 requests for assistance received by the agency and the time and
32 nature of the response thereto, including, to the extent the
33 information regarding crimes alleged or committed or any other
34 incident investigated is recorded, the time, date, and location of
35 occurrence, the time and date of the report, the name and age of
36 the victim, the factual circumstances surrounding the crime or
37 incident, and a general description of any injuries, property, or
38 weapons involved. The name of a victim of any crime defined by
39 Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a,
40 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285,

1 286, 288, 288a, 288.2, 288.3 (as added by ~~Chapter 337 of the~~
2 ~~Statutes of 2006~~), 288.3 (as added by Section 6 of Proposition 83
3 of the November 7, 2006, statewide general election), 288.5, 288.7,
4 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code may
5 be withheld at the victim's request, or at the request of the victim's
6 parent or guardian if the victim is a minor. When a person is the
7 victim of more than one crime, information disclosing that the
8 person is a victim of a crime defined in any of the sections of the
9 Penal Code set forth in this subdivision may be deleted at the
10 request of the victim, or the victim's parent or guardian if the
11 victim is a minor, in making the report of the crime, or of any
12 crime or incident accompanying the crime, available to the public
13 in compliance with the requirements of this paragraph.

14 (3) Subject to the restrictions of Section 841.5 of the Penal Code
15 and this subdivision, the current address of every individual
16 arrested by the agency and the current address of the victim of a
17 crime, where the requester declares under penalty of perjury that
18 the request is made for a scholarly, journalistic, political, or
19 governmental purpose, or that the request is made for investigation
20 purposes by a licensed private investigator as described in Chapter
21 11.3 (commencing with Section 7512) of Division 3 of the Business
22 and Professions Code. However, the address of the victim of any
23 crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1,
24 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a,
25 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3 (as added by
26 ~~Chapter 337 of the Statutes of 2006~~), 288.3 (as added by Section
27 6 of Proposition 83 of the November 7, 2006, statewide general
28 election), 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6
29 of the Penal Code shall remain confidential. Address information
30 obtained pursuant to this paragraph may not be used directly or
31 indirectly, or furnished to another, to sell a product or service to
32 any individual or group of individuals, and the requester shall
33 execute a declaration to that effect under penalty of perjury.
34 Nothing in this paragraph shall be construed to prohibit or limit a
35 scholarly, journalistic, political, or government use of address
36 information obtained pursuant to this paragraph.

37 (g) Test questions, scoring keys, and other examination data
38 used to administer a licensing examination, examination for
39 employment, or academic examination, except as provided for in

1 Chapter 3 (commencing with Section 99150) of Part 65 of Division
2 14 of Title 3 of the Education Code.

3 (h) The contents of real estate appraisals or engineering or
4 feasibility estimates and evaluations made for or by the state or
5 local agency relative to the acquisition of property, or to
6 prospective public supply and construction contracts, until all of
7 the property has been acquired or all of the contract agreement
8 obtained. However, the law of eminent domain shall not be affected
9 by this provision.

10 (i) Information required from any taxpayer in connection with
11 the collection of local taxes that is received in confidence and the
12 disclosure of the information to other persons would result in unfair
13 competitive disadvantage to the person supplying the information.

14 (j) Library circulation records kept for the purpose of identifying
15 the borrower of items available in libraries, and library and museum
16 materials made or acquired and presented solely for reference or
17 exhibition purposes. The exemption in this subdivision shall not
18 apply to records of fines imposed on the borrowers.

19 (k) Records, the disclosure of which is exempted or prohibited
20 pursuant to federal or state law, including, but not limited to,
21 provisions of the Evidence Code relating to privilege.

22 (l) Correspondence of and to the Governor or employees of the
23 Governor's office or in the custody of or maintained by the
24 Governor's Legal Affairs Secretary. However, public records shall
25 not be transferred to the custody of the Governor's Legal Affairs
26 Secretary to evade the disclosure provisions of this chapter.

27 (m) In the custody of or maintained by the Legislative Counsel,
28 except those records in the public database maintained by the
29 Legislative Counsel that are described in Section 10248.

30 (n) Statements of personal worth or personal financial data
31 required by a licensing agency and filed by an applicant with the
32 licensing agency to establish his or her personal qualification for
33 the license, certificate, or permit applied for.

34 (o) Financial data contained in applications for financing under
35 Division 27 (commencing with Section 44500) of the Health and
36 Safety Code, where an authorized officer of the California Pollution
37 Control Financing Authority determines that disclosure of the
38 financial data would be competitively injurious to the applicant
39 and the data is required in order to obtain guarantees from the
40 United States Small Business Administration. The California

1 Pollution Control Financing Authority shall adopt rules for review
2 of individual requests for confidentiality under this section and for
3 making available to the public those portions of an application that
4 are subject to disclosure under this chapter.

5 (p) Records of state agencies related to activities governed by
6 Chapter 10.3 (commencing with Section 3512), Chapter 10.5
7 (commencing with Section 3525), and Chapter 12 (commencing
8 with Section 3560) of Division 4, that reveal a state agency's
9 deliberative processes, impressions, evaluations, opinions,
10 recommendations, meeting minutes, research, work products,
11 theories, or strategy, or that provide instruction, advice, or training
12 to employees who do not have full collective bargaining and
13 representation rights under these chapters. Nothing in this
14 subdivision shall be construed to limit the disclosure duties of a
15 state agency with respect to any other records relating to the
16 activities governed by the employee relations acts referred to in
17 this subdivision.

18 (q) (1) Records of state agencies related to activities governed
19 by Article 2.6 (commencing with Section 14081), Article 2.8
20 (commencing with Section 14087.5), and Article 2.91
21 (commencing with Section 14089) of Chapter 7 of Part 3 of
22 Division 9 of the Welfare and Institutions Code, that reveal the
23 special negotiator's deliberative processes, discussions,
24 communications, or any other portion of the negotiations with
25 providers of health care services, impressions, opinions,
26 recommendations, meeting minutes, research, work product,
27 theories, or strategy, or that provide instruction, advice, or training
28 to employees.

29 (2) Except for the portion of a contract containing the rates of
30 payment, contracts for inpatient services entered into pursuant to
31 these articles, on or after April 1, 1984, shall be open to inspection
32 one year after they are fully executed. If a contract for inpatient
33 services that is entered into prior to April 1, 1984, is amended on
34 or after April 1, 1984, the amendment, except for any portion
35 containing the rates of payment, shall be open to inspection one
36 year after it is fully executed. If the California Medical Assistance
37 Commission enters into contracts with health care providers for
38 other than inpatient hospital services, those contracts shall be open
39 to inspection one year after they are fully executed.

1 (3) Three years after a contract or amendment is open to
2 inspection under this subdivision, the portion of the contract or
3 amendment containing the rates of payment shall be open to
4 inspection.

5 (4) Notwithstanding any other law, the entire contract or
6 amendment shall be open to inspection by the Joint Legislative
7 Audit Committee and the Legislative Analyst's Office. The
8 committee and that office shall maintain the confidentiality of the
9 contracts and amendments until the time a contract or amendment
10 is fully open to inspection by the public.

11 (r) Records of Native American graves, cemeteries, and sacred
12 places and records of Native American places, features, and objects
13 described in Sections 5097.9 and 5097.993 of the Public Resources
14 Code maintained by, or in the possession of, the Native American
15 Heritage Commission, another state agency, or a local agency.

16 (s) A final accreditation report of the Joint Commission on
17 Accreditation of Hospitals that has been transmitted to the State
18 Department of Health Care Services pursuant to subdivision (b)
19 of Section 1282 of the Health and Safety Code.

20 (t) Records of a local hospital district, formed pursuant to
21 Division 23 (commencing with Section 32000) of the Health and
22 Safety Code, or the records of a municipal hospital, formed
23 pursuant to Article 7 (commencing with Section 37600) or Article
24 8 (commencing with Section 37650) of Chapter 5 of Part 2 of
25 Division 3 of Title 4 of this code, that relate to any contract with
26 an insurer or nonprofit hospital service plan for inpatient or
27 outpatient services for alternative rates pursuant to Section 10133
28 of the Insurance Code. However, the record shall be open to
29 inspection within one year after the contract is fully executed.

30 (u) (1) Information contained in applications for licenses to
31 carry firearms issued pursuant to Section 26150, 26155, 26170,
32 or 26215 of the Penal Code by the sheriff of a county or the chief
33 or other head of a municipal police department that indicates when
34 or where the applicant is vulnerable to attack or that concerns the
35 applicant's medical or psychological history or that of members
36 of his or her family.

37 (2) The home ~~address~~ *addresses* and telephone ~~number~~ of
38 ~~prosecutors, public defenders, peace officers, judges, court~~
39 ~~commissioners, and magistrates~~ *numbers of applicants* that are set
40 forth in applications for licenses to carry firearms issued pursuant

1 to Section 26150, 26155, 26170, or 26215 of the Penal Code by
2 the sheriff of a county or the chief or other head of a municipal
3 police department.

4 (3) The home ~~address~~ *addresses* and telephone ~~number~~ of
5 ~~prosecutors, public defenders, peace officers, judges, court~~
6 ~~commissioners, and magistrates~~ *numbers of licensees* that are set
7 forth in licenses to carry firearms issued pursuant to Section 26150,
8 26155, 26170, or 26215 of the Penal Code by the sheriff of a
9 county or the chief or other head of a municipal police department.

10 (4) *This section shall not be construed as prohibiting the*
11 *disclosure of public records relating to the reason an application*
12 *for a license to carry a firearm pursuant to Section 26150, 26155,*
13 *26170, or 26215 of the Penal Code was granted or denied.*

14 (v) (1) Records of the Managed Risk Medical Insurance Board
15 ~~and the State Department of Health Care Services~~ *that are* related
16 to activities governed by Part 6.3 (commencing with Section
17 12695), Part 6.5 (commencing with Section 12700), Part 6.6
18 (commencing with Section 12739.5), or Part 6.7 (commencing
19 with Section 12739.70) of Division 2 of the Insurance Code, ~~or~~
20 ~~Chapter 2 (commencing with Section 15810) or Chapter 4~~
21 ~~(commencing with Section 15870) of Part 3.3 of Division 9 of the~~
22 ~~Welfare and Institutions Code,~~ and that reveal any of the following:

23 (A) The deliberative processes, discussions, communications,
24 or any other portion of the negotiations with entities contracting
25 or seeking to contract with the ~~board or the department,~~ *board,*
26 entities with which the board ~~or the department~~ is considering a
27 contract, or entities with which the board or department is
28 considering or enters into any other arrangement under which the
29 board ~~or the department~~ provides, receives, or arranges services
30 or reimbursement.

31 (B) The impressions, opinions, recommendations, meeting
32 minutes, research, work product, theories, or strategy of the board
33 or its ~~staff or the department or its staff,~~ or records that provide
34 instructions, advice, or training to their employees.

35 (2) (A) Except for the portion of a contract that contains the
36 rates of payment, contracts entered into pursuant to Part 6.3
37 (commencing with Section 12695), Part 6.5 (commencing with
38 Section 12700), Part 6.6 (commencing with Section 12739.5), or
39 Part 6.7 (commencing with Section 12739.70) of Division 2 of the
40 Insurance Code, ~~or Chapter 2 (commencing with Section 15810)~~

1 or Chapter 4 (commencing with Section 15870) of Part 3.3 of
2 Division 9 of the Welfare and Institutions Code, on or after July
3 1, 1991, shall be open to inspection one year after their effective
4 dates.

5 (B) If a contract that is entered into prior to July 1, 1991, is
6 amended on or after July 1, 1991, the amendment, except for any
7 portion containing the rates of payment, shall be open to inspection
8 one year after the effective date of the amendment.

9 (3) Three years after a contract or amendment is open to
10 inspection pursuant to this subdivision, the portion of the contract
11 or amendment containing the rates of payment shall be open to
12 inspection.

13 (4) Notwithstanding any other law, the entire contract or
14 amendments to a contract shall be open to inspection by the Joint
15 Legislative Audit Committee. The committee shall maintain the
16 confidentiality of the contracts and amendments thereto, until the
17 contracts or amendments to the contracts are open to inspection
18 pursuant to paragraph (3).

19 (w) (1) Records of the Managed Risk Medical Insurance Board
20 related to activities governed by Chapter 8 (commencing with
21 Section 10700) of Part 2 of Division 2 of the Insurance Code, and
22 that reveal the deliberative processes, discussions, communications,
23 or any other portion of the negotiations with health plans, or the
24 impressions, opinions, recommendations, meeting minutes,
25 research, work product, theories, or strategy of the board or its
26 staff, or records that provide instructions, advice, or training to
27 employees.

28 (2) Except for the portion of a contract that contains the rates
29 of payment, contracts for health coverage entered into pursuant to
30 Chapter 8 (commencing with Section 10700) of Part 2 of Division
31 2 of the Insurance Code, on or after January 1, 1993, shall be open
32 to inspection one year after they have been fully executed.

33 (3) Notwithstanding any other law, the entire contract or
34 amendments to a contract shall be open to inspection by the Joint
35 Legislative Audit Committee. The committee shall maintain the
36 confidentiality of the contracts and amendments thereto, until the
37 contracts or amendments to the contracts are open to inspection
38 pursuant to paragraph (2).

39 (x) Financial data contained in applications for registration, or
40 registration renewal, as a service contractor filed with the Director

1 of Consumer Affairs pursuant to Chapter 20 (commencing with
2 Section 9800) of Division 3 of the Business and Professions Code,
3 for the purpose of establishing the service contractor's net worth,
4 or financial data regarding the funded accounts held in escrow for
5 service contracts held in force in this state by a service contractor.

6 (y) (1) Records of the Managed Risk Medical Insurance Board
7 ~~and the State Department of Health Care Services~~ related to
8 activities governed by Part 6.2 (commencing with Section 12693)
9 or Part 6.4 (commencing with Section 12699.50) of Division 2 of
10 the Insurance Code or Sections 14005.26 and 14005.27 of, or
11 Chapter 3 (commencing with Section 15850) of Part 3.3 of Division
12 9 of, the Welfare and Institutions Code, if the records reveal *Code*,
13 *and that reveal* any of the following:

14 (A) The deliberative processes, discussions, communications,
15 or any other portion of the negotiations with entities contracting
16 or seeking to contract with the ~~board or the department~~, *board*,
17 entities with which the ~~board or department~~ is considering a
18 contract, or entities with which the ~~board or department~~ is
19 considering or enters into any other arrangement under which the
20 ~~board or department~~ provides, receives, or arranges services or
21 reimbursement.

22 (B) The impressions, opinions, recommendations, meeting
23 minutes, research, work product, theories, or strategy of the board
24 or its staff, or ~~the department or its staff~~, or records that provide
25 instructions, advice, or training to employees.

26 (2) (A) Except for the portion of a contract that contains the
27 rates of payment, contracts entered into pursuant to Part 6.2
28 (commencing with Section 12693) or Part 6.4 (commencing with
29 Section 12699.50) of Division 2 of the Insurance Code, on or after
30 January 1, 1998, ~~or Sections 14005.26 and 14005.27 of, or Chapter~~
31 ~~3 (commencing with Section 15850) of Part 3.3 of Division 9 of,~~
32 ~~the Welfare and Institutions Code~~ shall be open to inspection one
33 year after their effective dates.

34 (B) If a contract entered into pursuant to Part 6.2 (commencing
35 with Section 12693) or Part 6.4 (commencing with Section
36 12699.50) of Division 2 of the Insurance Code or Sections
37 14005.26 and 14005.27 of, or Chapter 3 (commencing with Section
38 15850) of Part 3.3 of Division 9 of, the Welfare and Institutions
39 Code, is amended, the amendment shall be open to inspection one
40 year after the effective date of the amendment.

1 (3) Three years after a contract or amendment is open to
2 inspection pursuant to this subdivision, the portion of the contract
3 or amendment containing the rates of payment shall be open to
4 inspection.

5 (4) Notwithstanding any other law, the entire contract or
6 amendments to a contract shall be open to inspection by the Joint
7 Legislative Audit Committee. The committee shall maintain the
8 confidentiality of the contracts and amendments thereto until the
9 contract or amendments to a contract are open to inspection
10 pursuant to paragraph (2) or (3).

11 (5) The exemption from disclosure provided pursuant to this
12 subdivision for the contracts, deliberative processes, discussions,
13 communications, negotiations, impressions, opinions,
14 recommendations, meeting minutes, research, work product,
15 theories, or strategy of the board or its ~~staff, or the department or~~
16 ~~its staff,~~ *staff* shall also apply to the contracts, deliberative
17 processes, discussions, communications, negotiations, impressions,
18 opinions, recommendations, meeting minutes, research, work
19 product, theories, or strategy of applicants pursuant to Part 6.4
20 (commencing with Section 12699.50) of Division 2 of the
21 ~~Insurance Code or Chapter 3 (commencing with Section 15850)~~
22 ~~of Part 3.3 of Division 9 of the Welfare and Institutions Code.~~

23 (z) Records obtained pursuant to paragraph (2) of subdivision
24 (f) of Section 2891.1 of the Public Utilities Code.

25 (aa) A document prepared by or for a state or local agency that
26 assesses its vulnerability to terrorist attack or other criminal acts
27 intended to disrupt the public agency's operations and that is for
28 distribution or consideration in a closed session.

29 (ab) Critical infrastructure information, as defined in Section
30 131(3) of Title 6 of the United States Code, that is voluntarily
31 submitted to the ~~California Emergency Management Agency Office~~
32 ~~of Emergency Services~~ for use by that office, including the identity
33 of the person who or entity that voluntarily submitted the
34 information. As used in this subdivision, "voluntarily submitted"
35 means submitted in the absence of the office exercising any legal
36 authority to compel access to or submission of critical infrastructure
37 information. This subdivision shall not affect the status of
38 information in the possession of any other state or local
39 governmental agency.

1 (ac) All information provided to the Secretary of State by a
2 person for the purpose of registration in the Advance Health Care
3 Directive Registry, except that those records shall be released at
4 the request of a health care provider, a public guardian, or the
5 registrant’s legal representative.

6 (ad) The following records of the State Compensation Insurance
7 Fund:

8 (1) Records related to claims pursuant to Chapter 1
9 (commencing with Section 3200) of Division 4 of the Labor Code,
10 to the extent that confidential medical information or other
11 individually identifiable information would be disclosed.

12 (2) Records related to the discussions, communications, or any
13 other portion of the negotiations with entities contracting or seeking
14 to contract with the fund, and any related deliberations.

15 (3) Records related to the impressions, opinions,
16 recommendations, meeting minutes of meetings or sessions that
17 are lawfully closed to the public, research, work product, theories,
18 or strategy of the fund or its staff, on the development of rates,
19 contracting strategy, underwriting, or competitive strategy pursuant
20 to the powers granted to the fund in Chapter 4 (commencing with
21 Section 11770) of Part 3 of Division 2 of the Insurance Code.

22 (4) Records obtained to provide workers’ compensation
23 insurance under Chapter 4 (commencing with Section 11770) of
24 Part 3 of Division 2 of the Insurance Code, including, but not
25 limited to, any medical claims information, policyholder
26 ~~information~~ *information*, provided that nothing in this paragraph
27 shall be interpreted to prevent an insurance agent or broker from
28 obtaining proprietary information or other information authorized
29 by law to be obtained by the agent or broker, and information on
30 rates, pricing, and claims handling received from brokers.

31 (5) (A) Records that are trade secrets pursuant to Section
32 6276.44, or Article 11 (commencing with Section 1060) of Chapter
33 4 of Division 8 of the Evidence Code, ~~including~~ *including*, without
34 limitation, instructions, advice, or training provided by the State
35 Compensation Insurance Fund to its board members, officers, and
36 employees regarding the fund’s special investigation unit, internal
37 audit unit, and informational security, marketing, rating, pricing,
38 underwriting, claims handling, audits, and collections.

39 (B) Notwithstanding subparagraph (A), the portions of records
40 containing trade secrets shall be available for review by the Joint

1 Legislative Audit Committee, the ~~Bureau of State Audits,~~
2 *California State Auditor's Office*, Division of Workers'
3 Compensation, and the Department of Insurance to ensure
4 compliance with applicable law.

5 (6) (A) Internal audits containing proprietary information and
6 the following records that are related to an internal audit:

7 (i) Personal papers and correspondence of any person providing
8 assistance to the fund when that person has requested in writing
9 that his or her papers and correspondence be kept private and
10 confidential. Those papers and correspondence shall become public
11 records if the written request is withdrawn, or upon order of the
12 fund.

13 (ii) Papers, correspondence, memoranda, or any substantive
14 information pertaining to any audit not completed or an internal
15 audit that contains proprietary information.

16 (B) Notwithstanding subparagraph (A), the portions of records
17 containing proprietary information, or any information specified
18 in subparagraph (A) shall be available for review by the Joint
19 Legislative Audit Committee, the ~~Bureau of State Audits,~~
20 *California State Auditor's Office*, Division of Workers'
21 Compensation, and the Department of Insurance to ensure
22 compliance with applicable law.

23 (7) (A) Except as provided in subparagraph (C), contracts
24 entered into pursuant to Chapter 4 (commencing with Section
25 11770) of Part 3 of Division 2 of the Insurance Code shall be open
26 to inspection one year after the contract has been fully executed.

27 (B) If a contract entered into pursuant to Chapter 4 (commencing
28 with Section 11770) of Part 3 of Division 2 of the Insurance Code
29 is amended, the amendment shall be open to inspection one year
30 after the amendment has been fully executed.

31 (C) Three years after a contract or amendment is open to
32 inspection pursuant to this subdivision, the portion of the contract
33 or amendment containing the rates of payment shall be open to
34 inspection.

35 (D) Notwithstanding any other law, the entire contract or
36 amendments to a contract shall be open to inspection by the Joint
37 Legislative Audit Committee. The committee shall maintain the
38 confidentiality of the contracts and amendments thereto until the
39 contract or amendments to a contract are open to inspection
40 pursuant to this paragraph.

1 (E) This paragraph is not intended to apply to documents related
2 to contracts with public entities that are not otherwise expressly
3 confidential as to that public entity.

4 (F) For purposes of this paragraph, “fully executed” means the
5 point in time when all of the necessary parties to the contract have
6 signed the contract.

7 This section shall not prevent any agency from opening its
8 records concerning the administration of the agency to public
9 inspection, unless disclosure is otherwise prohibited by law.

10 This section shall not prevent any health facility from disclosing
11 to a certified bargaining agent relevant financing information
12 pursuant to Section 8 of the National Labor Relations Act (29
13 U.S.C. Sec. 158).

14 SEC. 2. The Legislature finds and declares that this act imposes
15 a limitation on the public’s right of access to the meetings of public
16 bodies or the writings of public officials and agencies within the
17 meaning of Section 3 of Article I of the California Constitution.
18 Pursuant to that constitutional provision, the Legislature makes
19 the following finding to demonstrate the interest protected by this
20 limitation and the need for protecting the interest:

21 In order to prevent crimes against applicants for licenses to carry
22 firearms and persons who are licensed to carry firearms, it is
23 necessary that this act take effect.

24 SEC. 3. The Legislature finds and declares that Section 1 of
25 this act, which amends Section 6254 of the Government Code,
26 furthers, within the meaning of paragraph (7) of subdivision (b)
27 of Section 3 of Article I of the California Constitution, the purposes
28 of that constitutional section as it relates to the right of public
29 access to the meetings of local public bodies or the writings of
30 local public officials and local agencies. Pursuant to paragraph (7)
31 of subdivision (b) of Section 3 of Article I of the California
32 Constitution, the Legislature makes the following findings:

33 The limitations imposed by this act establish a necessary balance
34 between the right of the people to access information contained in
35 public records and the legitimate security interests of people
36 applying for, and holding, a license to carry firearms.

37 SEC. 4. No reimbursement is required by this act pursuant to
38 Section 6 of Article XIII B of the California Constitution because
39 the only costs that may be incurred by a local agency or school
40 district under this act would result from a legislative mandate that

- 1 is within the scope of paragraph (7) of subdivision (b) of Section
- 2 3 of Article I of the California Constitution.

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